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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 NETWORK APPLIANCE INC,

No. C-07-06053 (EDL)

9 Plaintiff,

**ORDER REGARDING CLAIM  
CONSTRUCTION**

10 v.

11 SUN MICROSYSTEMS INC,

12 Defendant.  
13 \_\_\_\_\_/

14 The Court has reviewed the parties' joint report regarding proposed terms for claim  
15 construction (Docket No. 79). IT IS HEREBY ORDERED that the parties shall submit briefing on  
16 terms one through fourteen for the upcoming claim construction. The Court will not construe  
17 proposed terms fifteen through twenty at this time. The Court notes that some terms of the first  
18 fourteen numbered consist of two or more phrases that are not precisely identical and relies on the  
19 parties' good faith that such terms really may each be treated as one term for purposes of claim  
20 construction.

21 It is FURTHER ORDERED that the parties shall meet and confer about how much time they  
22 anticipate needing at the upcoming tutorial and claim construction hearings and how they propose to  
23 conduct them. The Court prefers to have experts available for questions by the Court at the claim  
24 construction hearing, but is open to the parties' proposals. The Court also prefers to hear both  
25 parties' arguments about each term before moving on to a subsequent term. The parties shall notify  
26 the Court about these hearing logistics no later than July 14, 2008. The parties may also request a  
27 case management conference if they believe that one would be helpful in advance of the claim  
28 construction hearing. Finally, if the parties believe that good cause exists for seeking page

1 extensions for the claim construction briefs, they should make such a request in a timely fashion.

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3 **IT IS SO ORDERED.**

4 Dated: June 17, 2008

*Elizabeth D. Laporte*

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ELIZABETH D. LAPORTE  
United States Magistrate Judge